

Please type or plus sign (+) inside this box □

[] +

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | | | |
|--|--|------------------------|----------------------|
| | | Application Number | 10/651,852 |
| | | Filing Date | August 29, 2003 |
| | | First Named Inventor | Richard G. Cartledge |
| | | Group/Art Unit | 3731 |
| | | Examiner Name | To Be Assigned |
| Total Number of Pages in This Submission | | Attorney Docket Number | 42749-0012 |

ENCLOSURES (check all that apply)

| | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers <i>(for an Application)</i> | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Response | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> |
| <input type="checkbox"/> Exhibits | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Additional Enclosure(s) <i>(please identify below):</i> |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> 15 Foreign References (77 cited) and Return Receipt Postcard |
| <input checked="" type="checkbox"/> Information Disclosure Statement with PTO-1449 | <input type="checkbox"/> Small Entity Status Claimed | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> Statement under 3.73(b) | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | Remarks |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 (ATTORNEY DOCKET NO.: 42749-0012) FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

| | | | |
|-------------------------|---|------------------|-------|
| Firm or Individual name | Paul Davis, Reg. No. 29,294, HELLER EHRLMAN LLP | | |
| Signature | | | |
| Date | February 22, 2006 | Customer Number: | 25213 |

CERTIFICATE OF FIRST CLASS MAILING

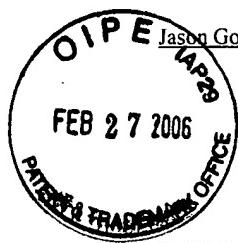
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

| | | | |
|-----------------------|-------------------|------|-------------------|
| Typed or printed name | Jason A. Gonzalez | | |
| Signature | | Date | February 22, 2006 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop ___, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 2/22/2006



Jason Gonzalez

PATENT

Attorney Docket No.: 42749-0012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): Richard G. Cartledge, et al.)
Application No.: 10/651,852) Art Unit: 3731
Filed: August 29, 2003) Examiner: To Be Assigned
Title: Apparatus for Implanting Surgical Devices for)
Controlling the Internal Circumference of an)
Anatomic Orifice or Lumen)

INFORMATION DISCLOSURE STATEMENT

UNDER 37 C.F.R. §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy is provided of each foreign patent, each cited pending unpublished U.S. application, and all additional publications other than U.S. patents and U.S. patent application publications. 37 C.F.R. §§1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.



This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --

- (2) It is being filed within 3 months of entry of a national stage
-- OR --

- (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --

- (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

- 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

- a certification as specified in §1.97(e) is provided below; **or**

- a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

- 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

- A. a certification as specified in §1.97(e) is completed below; and

- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**

- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

- Fee Authorization.** The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No.: 42749-0012).

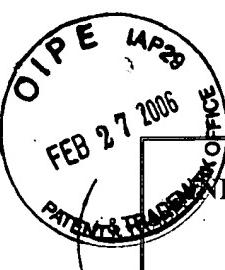
Respectfully submitted,

HELLER EHRLMAN LLP

By: 
Paul Davis
Reg. No.: 29,294

Dated: February 22, 2006

HELLER EHRLMAN LLP
275 Middlefield Road
Menlo Park, CA 94025-3506
Telephone: 1.650.324.7041
Facsimile: 1.650.324.0638
Customer No.: 25213



| INFORMATION DISCLOSURE STATEMENT PTO-1449 | | ATTY. DOCKET NO. | | SERIAL NO. | | |
|--|-----------------|---|-------------------------------|-------------|----------|-------------|
| | | 42749-0012 | | 10/651,852 | | |
| | | APPLICANT: Richard G. Cartledge, et al. | | | | |
| | | FILING DATE: 08/29/2003 | | GROUP: 3731 | | |
| U.S. PATENT DOCUMENTS | | | | | | |
| EXAMINER'S INITIALS | PATENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE |
| | US 2003/0050693 | 03/13/2003 | Rodolfo C. Quijano, et al. | 623 | 2.11 | |
| | US 2003/0074012 | 04/17/2003 | John D. Nguyen, et al. | 606 | 139 | |
| | US 2003/0093148 | 05/15/2003 | Steven F. Bolling, et al. | 623 | 2.36 | |
| | US 2003/0199974 | 10/23/2003 | Andrew Lee, et al. | 623 | 2.36 | |
| | US 2004/0019378 | 01/29/2004 | Edwin J. Hlavka, et al. | 623 | 2.11 | |
| | US 2004/0030382 | 02/12/2004 | Frederick G. St. Goar, et al. | 623 | 2.36 | |
| | US 2004/0088047 | 05/06/2004 | Paul A. Spence, et al. | 623 | 2.36 | |
| | US 2004/0111099 | 06/10/2004 | John D. Nguyen, et al. | 606 | 139 | |
| | US 2004/0148019 | 07/29/2004 | Robert M. Vidlund, et al. | 623 | 2.36 | |
| | US 2004/0148021 | 07/29/2004 | Richard G. Cartledge, et al. | 623 | 2.37 | |
| | US 2004/0153147 | 08/05/2004 | Mark L. Mathis | 623 | 2.37 | |
| | US 2004/0181238 | 09/16/2004 | David Zarbatany, et al. | 606 | 108 | |
| | US 2004/0193191 | 09/30/2004 | Niel F. Starksen, et al. | 606 | 153 | |
| | US 2004/0249453 | 12/09/2004 | Richard G. Cartledge, et al. | 623 | 2.37 | |
| | US 2005/0060030 | 03/17/2005 | Randall T. Lashinski, et al. | 623 | 2.37 | |
| | US 2005/0065550 | 03/24/2005 | Niel F. Starksen, et al. | 606 | 219 | |
| | US 2005/0070999 | 03/31/2005 | Paul A. Spence | 623 | 2.37 | |
| | US 2005/0119734 | 06/02/2005 | Paul A. Spence, et al. | 623 | 2.11 | |
| | US 2005/0119735 | 06/02/2005 | Paul A. Spence, et al. | 623 | 2.36 | |
| | US 2005/0131533 | 06/16/2005 | Ottavio Alfieri, et al. | 623 | 2.36 | |
| | US 2005/0149114 | 07/07/2005 | Richard G. Cartledge, et al. | 606 | 213 | |
| | 5,102,417 | 04/07/1992 | Julio C. Palmaz | 606 | 195 | |
| | 5,411,552 | 05/02/1995 | Henning R. Anderson, et al. | 623 | 2 | |
| | 5,423,851 | 06/13/1995 | Shaun L. W. Samuels | 606 | 198 | |
| | 5,713,951 | 02/03/1998 | Michi E. Garrison, et al. | 623 | 2 | |
| | 5,769,812 | 06/23/1998 | John H. Stevens | 604 | 4 | |
| | 5,814,097 | 09/29/1998 | Wesley D. Sterman, et al. | 623 | 2 | |
| | 5,908,435 | 06/01/1999 | Shaun L. W. Samuels | 606 | 200 | |
| | 5,972,030 | 10/26/1999 | Michi E. Garrison, et al. | 623 | 2 | |
| EXAMINER | | DATE CONSIDERED | | | | |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| INFORMATION DISCLOSURE STATEMENT PTO-1449 | | ATTY. DOCKET NO. 42749-0012 | | SERIAL NO. 10/651,852 | | |
|--|------------|---|--------------------------------|--------------------------|----------|-------------|
| | | APPLICANT: Richard G. Cartledge, et al. | | | | |
| | | FILING DATE: 08/29/2003 | | GROUP: 3731 | | |
| U.S. PATENT DOCUMENTS | | | | | | |
| EXAMINER'S INITIALS | PATENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE |
| | 5,984,959 | 11/16/1999 | John Charles Robertson, et al. | 623 | 2 | |
| | 5,989,284 | 11/23/1999 | Michael D. Laufer | 607 | 96 | |
| | 6,269,819 | 08/07/2001 | Mehmet C. Oz, et al. | 128 | 898 | |
| | 6,355,030 | 03/12/2002 | William N. Aldrich, et al. | 606 | 28 | |
| | 6,451,054 | 09/17/2002 | John H. Stevens | 623 | 2.11 | |
| | 6,464,707 | 10/15/2002 | David B. Bjerken | 606 | 139 | |
| | 6,514,265 | 02/04/2003 | Liem Ho, et al. | 606 | 157 | |
| | 6,524,338 | 02/25/2003 | Steven R. Gundry | 623 | 2.11 | |
| | 6,537,314 | 03/25/2003 | Jonathan J. Langberg, et al. | 623 | 2.36 | |
| | 6,551,332 | 04/22/2003 | John Nguyen, et al. | 606 | 151 | |
| | 6,564,805 | 05/20/2003 | Michi Garrison, et al. | 128 | 898 | |
| | 6,607,541 | 08/19/2003 | Barry Gardiner, et al. | 606 | 151 | |
| | 6,613,059 | 09/02/2003 | Laurent Schaller, et al | 606 | 157 | |
| | 6,619,291 | 09/16/2003 | Edwin J. Hlavka, et al. | 128 | 898 | |
| | 6,629,534 | 10/07/2003 | Frederick G. St. Goar, et al. | 128 | 898 | |
| | 6,641,593 | 11/04/2003 | Laurent Schaller, et al. | 606 | 157 | |
| | 6,651,671 | 11/25/2003 | Brian S. Donlon, et al. | 128 | 898 | |
| | 6,689,164 | 02/10/2004 | Jacques Seguin | 623 | 2.36 | |
| | 6,706,065 | 03/16/2004 | Jonathan J. Langberg, et al. | 623 | 2.37 | |
| | 6,716,243 | 04/06/2004 | Stephen B. Colvin, et al. | 623 | 2.4 | |
| | 6,723,038 | 04/20/2004 | Richard F. Schroeder, et al. | 600 | 16 | |
| | 6,767,362 | 07/27/2004 | Stefan Schreck | 623 | 2.11 | |
| | 6,793,673 | 09/21/2004 | Leonard Kowalsky, et al. | 623 | 2.36 | |
| | 6,797,002 | 09/28/2004 | Paul A. Spence, et al. | 623 | 2.38 | |
| | 6,810,882 | 11/02/2004 | Jonathan J. Langberg, et al. | 128 | 898 | |
| | 6,824,562 | 11/30/2004 | Mark L. Mathis, et al. | 623 | 2.36 | |
| | 6,840,246 | 01/11/2005 | Stephen W. Downing | 128 | 898 | |
| | 6,872,223 | 03/29/2005 | George T. Roberts, et al. | 623 | 1.11 | |
| | 6,893,459 | 05/17/2005 | John Macoviak | 623 | 2.11 | |
| EXAMINER | | DATE CONSIDERED | | | | |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| | | |
|--|---|-------------|
| INFORMATION DISCLOSURE STATEMENT PTO-1449 | ATTY. DOCKET NO. | SERIAL NO. |
| | 42749-0012 | 10/651,852 |
| | APPLICANT: Richard G. Cartledge, et al. | |
| | FILING DATE: 08/29/2003 | GROUP: 3731 |

U.S. PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE |
|---------------------|------------|------------|-----------------------------|-------|----------|-------------|
| | 6,908,482 | 06/21/2005 | Patrick M. McCarthy, et al. | 623 | 2.36 | |
| | 6,921,407 | 07/26/2005 | John D. Nguyen, et al. | 606 | 142 | |
| | 6,926,715 | 08/09/2005 | Wallace Nell Hauck, et al. | 606 | 41 | |
| | 6,942,694 | 09/13/2005 | John R. Liddicoat, et al. | 623 | 2.36 | |

FOREIGN PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
|---------------------|----------------|------------|---------|-------|----------|--------------------------|--------------------------|
| | | | | | | YES | NO |
| | EP 1 554 990 | 07/20/2005 | EP | A61F | 2/00 | <input type="checkbox"/> | <input type="checkbox"/> |
| | WO 1999/030647 | 06/24/1999 | WIPO | A61F | 2/24 | <input type="checkbox"/> | <input type="checkbox"/> |
| | WO 2004/012583 | 02/12/2004 | WIPO | A61B | | <input type="checkbox"/> | <input type="checkbox"/> |
| | WO 2004/060217 | 07/22/2004 | WIPO | A61F | 2/24 | <input type="checkbox"/> | <input type="checkbox"/> |
| | WO 2004/112585 | 12/29/2004 | WIPO | A61B | | <input type="checkbox"/> | <input type="checkbox"/> |
| | WO 2004/112651 | 12/29/2004 | WIPO | A61F | | <input type="checkbox"/> | <input type="checkbox"/> |
| | WO 2004/112658 | 12/29/2004 | WIPO | A61F | 2/24 | <input type="checkbox"/> | <input type="checkbox"/> |
| | WO 2005/007036 | 01/27/2005 | WIPO | A61F | 2/24 | <input type="checkbox"/> | <input type="checkbox"/> |
| | WO 2005/007037 | 01/27/2005 | WIPO | A61F | 2/24 | <input type="checkbox"/> | <input type="checkbox"/> |
| | WO 2005/007219 | 01/27/2005 | WIPO | A61M | | <input type="checkbox"/> | <input type="checkbox"/> |
| | WO 2005/009285 | 02/03/2005 | WIPO | A61F | | <input type="checkbox"/> | <input type="checkbox"/> |
| | WO 2005/025644 | 03/24/2005 | WIPO | A61M | | <input type="checkbox"/> | <input type="checkbox"/> |
| | WO 2005/046488 | 05/26/2005 | WIPO | A61B | 17/00 | <input type="checkbox"/> | <input type="checkbox"/> |
| | WO 2005/055883 | 06/23/2005 | WIPO | A61F | 2/06 | <input type="checkbox"/> | <input type="checkbox"/> |
| | WO 2005/062931 | 07/14/2005 | WIPO | | | <input type="checkbox"/> | <input type="checkbox"/> |

| | |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.